

MINUTE ITEM
This Calendar Item No. C49 was approved as
Minute Item No. 49 by the California State Lands
Commission by a vote of 3 to 0 at its
8/24/06 meeting.

CALENDAR ITEM
C49

A 78

08/24/06

PRC 7987 WP 7987.1

S 39

S. Young

AMENDMENT OF GENERAL LEASE – PUBLIC AGENCY USE

LESSEE:

San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in San Diego Bay, San Diego County.

AUTHORIZED USE:

Commercial and recreational navigation, including existing anchorage and mooring basin, buoys, boundary markers and navigational aids; breakwaters; access road; and existing industrial marine facilities.

LEASE TERM:

28 years, beginning July 1, 1997.

CONSIDERATION:

A minimum of \$10,000 per annum; or the total of the following, whichever is greater: (1) 10% of Lessee's gross income from Port operated moorings; and (2) 25% of Lessee's gross income from revenues generated by subleases on the lease premises.

PROPOSED AMENDMENT:

Authorize the installation of up to six mooring buoys in the northwesterly portion of the A-8 Anchorage area for use by Harbor Police and General Services Staff. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has a right to use the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C49** (CONT'D)

2. On August 26, 1997, the Commission authorized issuance to the San Diego Unified Port District (Port) of Lease No. PRC 7987.1, a General Lease – Public Agency Use, beginning July 1, 1997, for a term of 28 years, for consolidation of eight existing leases into one Master Lease. The Lease was subsequently amended on January 30, 2002, to authorize the installation of a mooring dolphin and a portion of a catwalk associated with the extension of a wharf at the National City Marine Terminal. On June 18, 2002, the Commission approved a 20-year sublease between the Port and the San Diego Mooring Company for the operation and maintenance of four mooring buoy anchorage areas including both State lands leased by the Commission to the Port, as well as trust lands held by the Port pursuant to a legislative grant.
3. The Port is now proposing to install up to six mooring buoys/floats in the northwesterly portion of the A-8 Anchorage, a designated 80-acre anchorage area, offshore of the National City Marine Terminal. The mooring buoys will allow Port personnel to provide law enforcement services as well as property, health and public safety responses to emergency events in the A-8 Anchorage area. The buoys will provide locations to temporarily secure vessels while allowing law enforcement personnel to remain on the scene to address other emergencies. Currently, there are approximately 120 vessels anchored at the A-8 Anchorage area. The Port requires Permit renewal every six months for each vessel. Only non-commercial, seaworthy vessels less than 65 feet in length are permitted to anchor in the A-8 Anchorage area.
4. On December 6, 2005, the Board of Port Commissioners directed Port staff to commence a public outreach in order to obtain input to resolve issues of public safety, environmental impacts, navigational hazards and financial costs associated with maintaining the A-8 Anchorage area.

Several public meetings were held and Port staff continues to conduct further analysis in regards to long-term plans to address the above issues. Once the Port's analysis is complete, Commission staff will be contacted before any changes are implemented by the Port regarding the operation of the A-8 Anchorage area.

5. On April 28, 2006, the San Diego Unified Port District, acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the installation of six mooring buoys for use during emergency situations, as described above, were statutorily exempt

CALENDAR ITEM NO. **C49** (CONT'D)

from the CEQA pursuant to section 15269, Emergency Projects, and categorically exempt from the CEQA pursuant to section 15303 under Class 3, New Construction of Small Structures and section 15311 under Class 11, Accessory Structures. Staff concurs with the San Diego Unified Port District's determination.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Regional Water Quality Control Board
U.S. Army Corps of Engineers

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CONCUR WITH THE SAN DIEGO UNIFIED PORT DISTRICT'S DETERMINATION THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT, EMERGENCY PROJECTS, TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269, CATEGORICALLY EXEMPT PROJECT, UNDER CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303 AND CLASS 11, ACCESSORY STRUCTURES, TITLE 14, CALIFORNIA CODE OF REGULATIONS.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THE ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

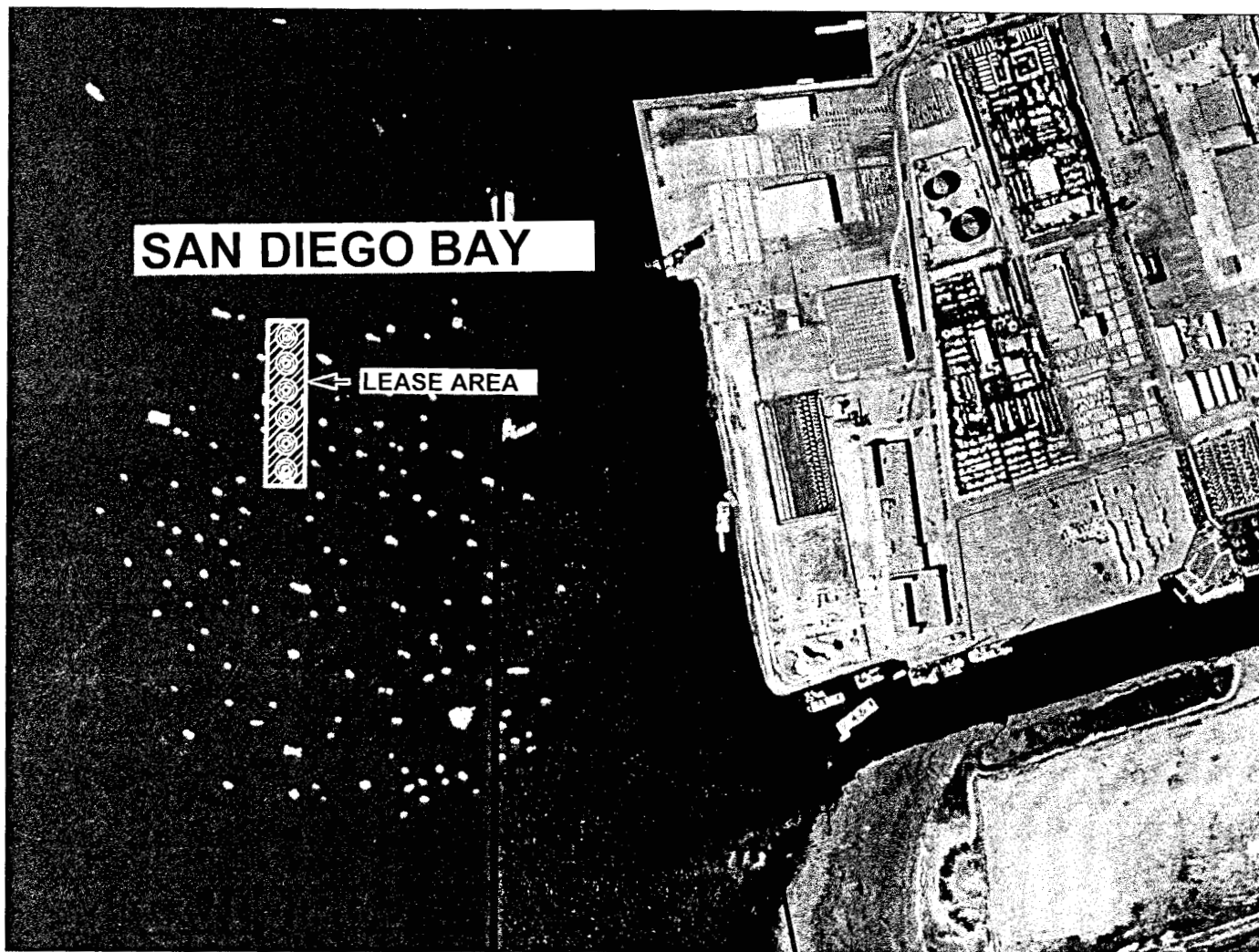
CALENDAR ITEM NO. **C49** (CONT'D)

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7987.1, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 24, 2006, TO AUTHORIZE THE INSTALLATION OF SIX MOORING BUOYS WITHIN THE NORTHWESTERLY PORTION OF THE A-8 ANCHORAGE AREA FOR USE BY HARBOR POLICE AND GENERAL SERVICES STAFF; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE



SOUTH SAN DIEGO HARBOR

NO SCALE

LOCATION



MAP SOURCE: AERIAL PHOTO

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CALENDAR PAGE

MINUTE PAGE

Exhibit A

WP 7987

GENERAL LEASE
PUBLIC AGENCY USE
SOUTH SAN DIEGO HARBOR
SAN DIEGO COUNTY



CHUSTEAD 8-3-06